

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**Kathy Dyer and Robert Dyer  
Individually and as  
Representative of the Estate of  
Graham Dyer**

## Plaintiffs

**VS.**

# Alan Gafford

## Defendants

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**Civil Action No.**

**3:15-cv-02638-B**

## PLAINTIFFS' EXPERT DISCLOSURES

TO: Defendant, Alan Gafford, by and through his attorney of record, Joe Tooley, 510 Turtle Cove, Ste. 112, Rockwall, TX 75087.

Plaintiffs, Kathy Dyer and Robert Dyer, Individually and as Representatives of the Estate of Graham Dyer, make this expert disclosures as required by Federal Rule of Civil Procedure 26(a)(2) and order of the court.

The following persons may be used at trial to present evidence under the Federal Rules of Evidence, including but not limited to Rules 702, 703, and/or 705:

## INITIAL DISCLOSURES

(A) The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

- a. Jerry Staton
- b. Affordable Realistic Tactical Training  
16705 Fagerquist Road  
Del Valle, TX 78617  
(512) 247-2731

Mr. Staton is a police expert with extensive experience as a police officer especially in the tactical arena including eight years on a full-time SWAT team. He was also a Police Academy instructor teaching use of force concepts and skills to cadets and veteran officers. He has continued teaching in the police use of force field and has accumulated 19 years of teaching experience and 43 years of law enforcement related experience.

Please see the reports attached hereto of Mr. Staton with exhibits.

The deposition of Mr. Staton has yet to be taken and the opinions expressed in such depositions are further incorporated herein by reference.

- a. Susan E. Hutchison
- b. 505 Pecan St., Ste. 101  
Fort Worth, TX 76102  
(817) 820-0100

Ms. Hutchison will testify as to the reasonableness and necessity of attorney's fees for the prosecution of this action, including appeals. Ms. Hutchison will testify that a reasonable fee under these circumstances is either 40% of any recovery through trial, plus an additional 5% in the event of an appeal, or \$450.00 per hour, as well as any "lodestar" factors—see *Johnson v. Georgia Highway Express, Inc.* 488 F.2d 714 (5<sup>th</sup> Cir. 1974). Ms. Hutchison's opinion is based upon the type and complexity of this case, the amount of pre-trial involved, the preclusion of other work and customary hourly rates.

Ms. Hutchison is licensed to practice law in the State of Texas and has been continually since 1987. She graduated from Texas Tech University School of Law where she was an Associate Editor of the Law Review. She began her practice with the firm of Reynolds, Shannon, Miller, Blinn, White and Cook, LLP, which became Shannon, Gracey, Ratliff and Miller, LLP. She left that firm in 1988 to join Fielding, Barrett & Taylor, LLP, where she practiced in the areas of employment, personal injury and medical malpractice litigation. She left that firm in 1994 to form the firm of Molloy, Lewis & Holloway, LLP, which later became the firm of Lewis & Hutchison, PC, then Foreman, Lewis & Hutchison, PC and Hutchison, Lewis & Dauphinot, P.C. She worked for Eberstein & Witherite before creating her own firm Hutchison & Stoy, PLLC. She has always practiced in litigation and has primarily practiced in employment and civil rights litigation since 1988.

Ms. Hutchison is Board Certified in Personal Injury Trial Law and has been since 1992. She is a member of the National Employment Lawyer's Association, the DFW NELA, the Texas Employment Lawyer's Association and is past President of the Tarrant County Bar Association

Labor & Employment Section. She was inducted into the Eldon B. Mahon Inns of Court in 1999. She is also a graduate of the Spence Trial Lawyers College.

Ms. Hutchison's current practice is primarily employment litigation representing plaintiffs. She has handled matters involving a wide array of employment claims, including sexual harassment, sex discrimination, age discrimination, disability discrimination, retaliation generally and whistleblower claims. She is familiar with the reasonable and customary attorney's fees charged in similar cases and, based upon her education and experience, believes that either a 40% contingency fee or a range of \$400--\$450 per hour with lodestar adjustments is a reasonable, ordinary and customary fee for such a case in Tarrant and Dallas County in Texas.

Respectfully submitted,

s/Susan E. Hutchison  
Susan E. Hutchison  
TX Bar No. 10354100  
[sehservice@hsjustice.com](mailto:sehservice@hsjustice.com)

James Robert Hudson, Jr.  
TX Bar No. 24094736  
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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument has been served on counsel of record on November 5, 2018 through the court's efile service:

Joe C. Tooley, 510 Turtle Cove, Ste. 112, Rockwall, TX 75087, [joe@tooleylaw.com](mailto:joe@tooleylaw.com).

s/Susan E. Hutchison  
Susan E. Hutchison